

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARC WOLSTENHOLME,  
Plaintiff,

v.

RIOT GAMES, INC.,  
Defendant.

Case No. CV 25-0053 FMO (BFMx)

**SCHEDULING AND CASE MANAGEMENT  
ORDER RE: JURY TRIAL  
(Pro Se Litigants)**

**PLEASE READ THIS ORDER CAREFULLY. IT GOVERNS THIS CASE AND DIFFERS  
IN SOME RESPECTS FROM THE LOCAL RULES.**

The court has scheduled the dates set forth on the last two pages of this Order after review of the parties' Rule 26(f) Reports. Therefore, the court deems a Scheduling Conference unnecessary. The dates and requirements set forth in this Order are firm. The court is unlikely to grant continuances, even if stipulated by the parties, unless the parties establish good cause through a proper showing.

In an effort to comply with Fed. R. Civ. P. 1's mandate "to secure the just, speedy, and inexpensive determination of every action[,]" the court **orders** as follows.

I. JOINDER OF PARTIES AND AMENDMENT OF PLEADINGS.

Any stipulation or motion to amend as to any claims, defenses, or parties shall be filed by the deadline set forth in the attached schedule, failing which it shall be deemed that the party has waived any such amendments. All unserved parties not timely served shall be dismissed without prejudice. In addition, all “Doe” defendants are to be identified and named on or before the date set forth below, on which date all remaining “Doe” defendants will be deemed dismissed, unless otherwise ordered by the court upon a showing of good cause.

II. DISCOVERY.

A. Generally.

The parties are expected to comply with the Federal Rules of Civil Procedure and all Local Rules concerning discovery. Pro se litigants are entitled to discovery to the same extent as are litigants represented by counsel. The court allows discovery to commence as soon as the first answer or motion to dismiss is filed.

Whenever possible, the court expects the parties to resolve discovery disputes among themselves in a courteous, reasonable, and professional manner. The parties should note that absent exceptional circumstances, **discovery shall not be stayed** while any motion is pending, including any motion to dismiss or motion for protective order. **The parties are directed to conduct any necessary discovery as soon as possible, as the court is not inclined to grant any extensions of the discovery or other case-related deadlines.**

B. Discovery Cut-Off.

The court has established a cut-off date for discovery, including expert discovery, if applicable. This is not the date by which discovery requests must be served; it is the date by which all discovery, **including all hearings on any related motions**, is to be completed. Any motion relating to a deposition or challenging the adequacy of discovery responses must be filed and served no later than the discovery cut-off date.

C. Expert Discovery.

All disclosures must be made in writing. The final pretrial conference and trial dates will not be continued because expert discovery is not completed. Failure to comply with these or any

1 other orders concerning expert discovery may result in the expert being excluded as a witness.

2 III. MOTIONS.

3 The court has established a cut-off date for the filing and service of motions for the court's  
4 law and motion calendar. Counsel should consult the court's Initial Standing Order and related  
5 procedures, located on the Central District's website,<sup>1</sup> to determine the court's requirements  
6 concerning motions and other matters. With respect to summary judgment motions, pro se parties  
7 should consult the attached Notice Re: Motions for Summary Judgment to determine the  
8 requirements concerning such motions.

9 Unless the court issues a briefing order, any opposition and reply brief shall be filed in  
10 accordance with the Local Rules. Failure to file a timely opposition to a motion (other than a  
11 motion for summary judgment) may be deemed to constitute the non-moving party's consent to  
12 the granting of the relief sought. See Local Rule 7-12.

13 If documentary evidence in support of or in opposition to a motion exceeds 50 pages, the  
14 evidence must be separately bound and tabbed and include an index. If such evidence exceeds  
15 **300 pages**, the documents shall be placed in a **three-ring binder**, with an index and with each  
16 item of evidence separated by a tab divider on the right side. Counsel shall ensure that all  
17 documents are legible. Counsel are strongly encouraged to cite docket numbers (and sub-  
18 numbers) when citing to the record.

19 IV. SETTLEMENT.

20 Pursuant to Local Rule 16-15, the parties must complete a settlement conference. No case  
21 will proceed to trial unless all parties, including the principals of all corporate parties, have  
22 appeared personally at a settlement conference.

23 If the case settles, the parties shall file a Notice of Settlement no later than 24 hours after  
24 the case is settled, stating when they expect to file their dismissal papers. Otherwise, **the parties**  
25 **must, no later than 48 hours after the settlement proceeding is completed, file a Status**

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28 <sup>1</sup> <http://www.cacd.uscourts.gov> > Judges' Requirements > Judges' Procedures and Schedules  
> Hon. Fernando M. Olguin (<http://www.cacd.uscourts.gov/honorable-fernando-m-olguin>).

**Report Re: Settlement** in accordance with the requirements set forth on the last two pages of this Order.

V. TRIAL PREPARATION.

A. Final Pretrial Conference.

The parties must be prepared to discuss streamlining the trial, including presentation of testimony by deposition excerpts or summaries, time limits, stipulations as to undisputed facts, and qualification of experts by admitted resumes.

B. Pretrial Documents.

The filing schedule for pretrial documents is set forth on the last two pages of this Order. **Unless otherwise indicated, compliance with Local Rule 16 is required. The court does not exempt pro se parties from the requirements of this Order or Local Rule 16.** Carefully prepared memoranda of contentions of fact and law, witness lists, a pretrial exhibit stipulation, and a proposed pretrial conference order shall be submitted in accordance with the Local Rules and the requirements set forth in this Order. All pretrial document copies shall be delivered to the court “binder-ready” (three-hole punched on the left side, without blue-backs, and stapled only in the top left corner). Failure to comply with these requirements may result in the imposition of sanctions as well as the pretrial conference being taken off-calendar or continued.

1. **Witness Lists.**

In addition to the requirements of Local Rule 16-5, the witness lists must include a brief description (one or two paragraphs) of the testimony of each witness.

2. **Pretrial Exhibit Stipulation.<sup>2</sup>**

No later than fourteen (14) days before the deadline set forth below to file the Pretrial Exhibit Stipulation, **the party represented by counsel shall draft a proposed Pretrial Exhibit Stipulation and deliver a copy to the party appearing pro se.** Counsel shall then take the initiative in ensuring that the Pretrial Exhibit Stipulation is jointly finalized and timely filed.

The Pretrial Exhibit Stipulation shall contain each party’s numbered list of trial exhibits, with

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<sup>2</sup> It is not necessary to file the Joint Exhibit List required by Local Rule 16-6.1.

objections, if any, to each exhibit, including the basis of the objection and the offering party's brief response. All exhibits to which there is no objection shall be deemed admitted. The parties shall stipulate to the authenticity and foundation of exhibits whenever possible, and the Pretrial Exhibit Stipulation shall identify any exhibits to which authenticity or foundation have not been stipulated and the specific reasons for the parties' failure to stipulate.

The Pretrial Exhibit Stipulation shall be substantially in the following form:

**Pretrial Exhibit Stipulation**

**Plaintiff(s)/Defendant(s)' Exhibits**

<b><u>Exhibit No.</u></b>	<b><u>Description</u></b>	<b><u>Stip. to Adm.?<sup>3</sup></u></b>	<b><u>Objection</u></b>	<b><u>Response to Objection</u></b>
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Failure to comply with this section may be deemed a waiver of all objections. Each objection must include the grounds for the objection (e.g., a Federal Rule of Evidence) and an explanation of why the disputed exhibit is not admissible. **Do not submit** blanket or boilerplate objections to the opposing party's exhibits. These will be disregarded and overruled.

**3. Proposed Pretrial Conference Order.**

No later than fourteen (14) days before the deadline set forth below to file the proposed final pretrial conference order, **the party represented by counsel shall draft the proposed pretrial conference order and deliver a copy to the party appearing pro se.** Counsel shall then take the initiative in ensuring that the proposed pretrial conference order is jointly finalized and timely filed.

The format of the proposed final pretrial conference order shall conform to the format set forth in Appendix A to the Local Rules. In drafting the proposed pretrial conference order, the parties shall attempt to agree on and set forth as many undisputed facts as possible. A carefully drafted and comprehensively stated stipulation of facts will reduce the length of trial.

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<sup>3</sup> The Pretrial Exhibit Stipulation shall indicate in this column whether an exhibit is admitted for identification purposes only.

1 C. Joint Statement of the Case.

2 No later than the date set forth below, counsel shall file an objective, non-argumentative  
3 statement of the case, which the court shall read to all prospective jurors at the beginning of voir  
4 dire. The statement should not exceed one page.

5 D. Motions in Limine.

6 Each party is allowed a maximum of five motions in limine, which must be filed no later than  
7 the deadline set forth below. In the event a party believes that more than five motions in limine  
8 are necessary, the party must obtain leave of court to file additional motions in limine. The court  
9 will not hear or resolve motions in limine that are disguised summary judgment motions.

10 Each motion in limine shall contain a clear identification of the testimony, exhibits, or other  
11 specific matters alleged to be admissible or inadmissible, and a statement of the specific prejudice  
12 that the moving party will suffer if the motion is not granted. Each party shall be limited to ten (10)  
13 pages, exclusive of tables of contents and authorities. Repetition shall be avoided and, as always,  
14 brevity is preferred. Leave for additional space will be given only in extraordinary cases. The  
15 excessive use of footnotes in an attempt to avoid the page limitation shall not be tolerated. All  
16 substantive material, other than brief argument on tangential issues, shall be in the body of the  
17 brief.

18 A motion in limine made for the purpose of precluding the mention or display of inadmissible  
19 matter shall be accompanied by a declaration that includes the following: (A) a clear identification  
20 of the specific matter alleged to be inadmissible; (B) a representation to the court that the subject  
21 of the motion in limine has been discussed with opposing counsel, and that opposing counsel has  
22 indicated that such matter will be mentioned or displayed at trial; and (C) a statement of the  
23 specific prejudice that will be suffered by the moving party if the motion in limine is not granted.

24 Any challenge to expert testimony pursuant to Daubert v. Merrell Dow Pharms., 509 U.S.  
25 579, 113 S.Ct. 2786 (1993), or Federal Rules of Evidence 702-704, must be lodged in the form  
26 of a joint motion in limine. The court generally does not hold Daubert hearings.

27 The mandatory chambers copy of all evidence in support of or in opposition to a motion in  
28 limine, including declarations and exhibits to declarations, shall be submitted in a separately bound

1 volume and shall include a Table of Contents. If the supporting evidence exceeds 50 pages, then  
2 each copy of the supporting evidence shall be placed in a three-ring binder with each item of  
3 evidence separated by a tab divider on the right side, and shall include a label on the spine of the  
4 binder identifying its contents.

5 E. Jury Instructions and Verdict Forms.

6 1. No later than thirty-five (35) days before the deadline to file the required jury  
7 instructions and verdict forms, the parties shall exchange their respective proposed jury  
8 instructions and verdict forms. No later than twenty-eight (28) days before the filing  
9 deadline, each party shall serve objections to the other party's instructions and verdict  
10 forms. No later than twenty-one (21) days before the deadline to file the required jury  
11 instructions and verdict forms, counsel for the parties shall meet and confer in person at  
12 an agreed-upon location within the Central District of California and attempt to come to  
13 agreement on the proposed jury instructions and verdict forms.

14 2. No later than the deadline set forth below, counsel for **the represented party**  
15 **shall submit both general and substantive jury instructions in the form described**  
16 **below.** Counsel must provide the documents described below in WordPerfect (the court's  
17 preference) or Word format. The parties should use the most recent version of the Ninth  
18 Circuit's Manual of Model Civil Jury Instructions, which is available on the Ninth Circuit's  
19 website,<sup>4</sup> for all applicable jury instructions. If there is no applicable Ninth Circuit model jury  
20 instruction, the parties should consult the current edition of O'Malley, et al., Federal Jury  
21 Practice and Instructions. If neither the Ninth Circuit nor O'Malley provides an applicable  
22 jury instruction, the parties should consult the model jury instructions published by other  
23 Circuit Courts of Appeal. Where California law applies, counsel should use the current  
24 edition of the Judicial Council of California Civil Jury Instructions ("CACI"), which is  
25 available on the California Judicial Branch website.<sup>5</sup> **The parties shall not modify or**

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27 <sup>4</sup> <http://www3.ce9.uscourts.gov/jury-instructions/model-civil>.

28 <sup>5</sup> <http://www.courts.ca.gov/partners/317.htm>.

1 **supplement a model instruction's statement of applicable law** unless absolutely  
2 necessary and strongly supported by controlling case law or other persuasive authority.  
3 Each requested instruction shall: (a) cite the authority or source of the instruction; (b) be  
4 set forth in full; (c) be on a separate page; (d) be numbered; (e) cover only one subject or  
5 principle of law; and (f) not repeat principles of law contained in any other requested  
6 instruction.

7 The proposed jury instructions shall be submitted as follows:

8 a. **Joint Jury Instructions: Counsel for the represented party shall**  
9 **file a joint set of jury instructions on which the parties agree.** Model jury  
10 instructions should be modified as necessary to fit the facts of the case, i.e.,  
11 inserting names of defendant(s) or witness(es) to whom an instruction applies.  
12 Where language appears in brackets in the model instruction, counsel shall select  
13 the appropriate text and eliminate the inapplicable bracketed text. The court expects  
14 counsel to agree on the substantial majority of jury instructions, particularly when  
15 pattern or model instructions provide a statement of applicable law. If one party fails  
16 to comply with the provisions of this section, the other party must file a unilateral set  
17 of jury instructions.

18 b. **Disputed Jury Instructions:** Each party shall file a separate **joint set**  
19 **of disputed jury instructions** propounded by one party to which another party  
20 objects. On a separate page following each disputed jury instruction, the party  
21 opposing the instruction shall briefly state the basis for the objection, any authority  
22 in support thereof and, if applicable, an alternative instruction. On the following  
23 page, the party proposing the disputed instruction shall briefly state its response to  
24 the objection, and any authority in support of the instruction. Each requested jury  
25 instruction shall be numbered and set forth in full on a separate page, citing the  
26 authority or source of the requested instruction.

27 3. For both the Joint Jury Instructions and Disputed Jury Instructions, counsel  
28 must provide an index of all instructions submitted, which must include the following:



- a. the number of the instruction;
- b. the title of the instruction;
- c. the source of the instruction and any relevant case citations; and
- d. the page number of the instruction.

For example:

Number	Title	Source	Page Number
1	Trademark-Defined (15 U.S.C. § 1127)	9th Cir. 8.5.1	1

F. Voir Dire.

1. The court will conduct the voir dire. The parties may, but are not required to, file a list of proposed case-specific voir dire questions no later than the date set forth below.

2. In most cases, the court will conduct its initial voir dire of 16 prospective jurors who will be seated in the jury box. Generally, the court will select eight jurors.

3. Each side will have three peremptory challenges. After all peremptory challenges have been exercised, the eight jurors in the lowest numbered seats will be the jury. The court will not necessarily accept a stipulation to a challenge for cause. If one or more challenges for cause are accepted, and all six peremptory challenges are exercised, the court may decide to proceed with six or seven jurors.

G. Trial Exhibits.

Exhibits must be placed in three-ring binders indexed by exhibit number with tabs or dividers on the right side. The spine portion of the binder shall indicate the volume number **and** contain an index of each exhibit included in the volume. The party represented by counsel shall be responsible for submitting hard copies of all trial exhibits as follows:

1. On the **first day of trial**, counsel shall submit to the Courtroom Deputy Clerk (“CRD”) one (1) three-ring binder containing all **original exhibits** to be used at trial (except those to be used for impeachment only) with official exhibit tags attached and bearing the same number shown on the exhibit list.

2. **Counsel shall also submit to the CRD** two (2) three-ring binders with

**copies** of each exhibit, tabbed with exhibit numbers, for use by the court and the witness.

3. Exhibit tags may be obtained from the Clerk's Office, located on the fourth floor of the First Street Courthouse. Plaintiff shall use yellow tags and defendant shall use blue tags. Digital exhibit tags are also available on the Court's website under Court Forms > General forms > Form G-14A (plaintiff) and G-14B (defendant). Digital exhibit tags may be used in lieu of tags available from the Clerk's Office. The tags shall be stapled to the upper right-hand corner of each exhibit with the case number, case name, and exhibit number placed on each tag. Exhibits shall be numbered 1, 2, 3, etc., **not** 1.1, 1.2, 1.3, etc. The defense exhibit numbers shall not duplicate plaintiff's numbers. Counsel shall designate any "blow-up" enlargement of an existing exhibit with the number of the original exhibit followed by an "A."

4. Admitted exhibits will be given to the jury during deliberations. The parties shall review all admitted exhibits with the CRD before the jury retires to begin deliberations.

5. Where a significant number of exhibits will be admitted, the court encourages counsel, preferably by agreement, to consider ways in which testimony about exhibits may be made intelligible to the jury while it is presented. For example, the parties should consider using courtroom technology or other devices, such as jury notebooks for admitted exhibits. Information concerning the availability, training, and use of courtroom technology is available on the Central District's website. The court does not permit exhibits to be "published" by passing them up and down the jury box. Exhibits may be displayed briefly using the screens in the courtroom, unless the process becomes too time-consuming.

VI. COMPLIANCE WITH THIS ORDER, THE LOCAL RULES, AND THE FEDERAL RULES OF CIVIL PROCEDURE.

All parties and their counsel are ordered to become familiar with the Federal Rules of Civil Procedure, the Local Rules of the Central District of California, and the court's standing orders. The failure of any party or attorney to comply with the requirements of this Order, the Local Rules, or the Federal Rules of Civil Procedure may result in sanctions being imposed. If plaintiff is in custody **and** proceeding pro se, compliance with Local Rules 7-3, 26-1, and 37 is not required

1 unless the court orders otherwise.

2 VII. PRO SE CLINIC.

3 A pro se party may reach out to the Central District's Pro Se Clinic for assistance. The Los  
4 Angeles Clinic operates by appointment only. You may schedule an appointment either by calling  
5 the Clinic or by using an internet portal. You can call the Clinic at (213) 385-2977, ext. 270, or you  
6 can submit a request at the following website: <http://prose.cacd.uscourts.gov/los-angeles>.

7 Clinic staff can respond to many questions with a telephonic appointment or through e-mail.  
8 It may be more convenient to e-mail your questions or schedule a telephonic appointment. Staff  
9 can also schedule you for an in-person appointment at their location in the Roybal Federal Building  
10 and Courthouse, 255 East Temple Street, Suite 170, Los Angeles, California 90012.

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Marc Wolstenholme v. Riot Games, Inc.  
Case No. CV 25-0053 FMO (BFMx)

CASE DEADLINES

The court hereby enters the following scheduling order:

1. Any stipulation or motion to amend as to any claims, defenses, and/or parties shall be lodged/filed no later than **June 3, 2025**, failing which it shall be deemed that party's waiver of any such amendments in this action. All "Doe" defendants are to be identified and named on or before **June 3, 2025**, on which date all remaining "Doe" defendants will be dismissed, unless otherwise ordered by the court upon a showing of good cause.

2. All fact and expert discovery related shall be completed no later than **October 3, 2025**.

3. The parties must serve their Initial Expert Witness Disclosures no later than **August 22, 2025**. Rebuttal Expert Witness Disclosures shall be served no later than **September 5, 2025**. The parties should commence expert discovery shortly after the initial designation of experts, because Local Rules 7-3 and 37-1 require ample time to meet and confer as well as brief the matters, and because the final pretrial conference and trial dates will not be continued merely because expert discovery is still underway.

4. The parties shall complete their settlement conference before the assigned magistrate judge ("settlement officer") no later than **June 6, 2025**. **Counsel for the represented party** shall contact the settlement officer with enough time so that the settlement conference date is early enough to comply with the settlement completion deadline imposed by this court. After obtaining available dates from the settlement officer, counsel for the parties shall confer and select one of the proposed dates. **Counsel for the represented party** shall then advise the settlement officer of the settlement conference date selected by parties. If the case settles, counsel shall file a Notice of Settlement no later than 24 hours after the case is settled, stating when they expect to file their dismissal papers. Otherwise, **the parties must, no later than 48 hours after the settlement conference is completed, file a Status Report Re: Settlement**. The Status Report shall not disclose the parties' settlement positions, i.e., the terms of any offers or demands. The Status Report shall describe the efforts made by the parties to resolve the dispute informally, i.e.,

1 the occasions and dates when the parties participated in mediation or settlement conferences.  
2 The Status Report shall also include the name of the settlement officer who assisted the parties  
3 with their settlement conference.

4 5. All discovery motions shall be filed and served on or before **October 3, 2025**. Any  
5 motion for summary judgment or other potentially dispositive motion shall be filed no later than  
6 **November 3, 2025**. Each party is allowed one motion for summary judgment.

7 6. The parties shall file their motions in limine no later than **January 16, 2026**. Any  
8 opposition shall be filed no later than **January 27, 2026**. Any reply must be filed no later than  
9 **February 6, 2026**.

10 7. The parties shall file memoranda of contentions of fact and law; witness lists; and the  
11 Pretrial Exhibit Stipulation no later than **January 30, 2026**.

12 8. The parties shall lodge their proposed Pretrial Conference Order and file the Joint Jury  
13 Instructions; Disputed Jury Instructions; a joint proposed verdict form; a joint statement of the  
14 case; proposed additional voir dire questions, if desired; and reply memoranda to motions in limine  
15 no later than **February 6, 2026**.

16 The parties shall also send copies of the proposed Pretrial Conference Order; Joint Jury  
17 Instructions; Disputed Jury Instructions; the joint proposed verdict form; the joint statement of the  
18 case; and any proposed additional voir dire questions, to the chambers e-mail address  
19 (fmo\_chambers@cacd.uscourts.gov) in WordPerfect (the court's preference) or Word format.

20 9. The final pretrial conference and hearing on motions in limine is scheduled for **February**  
21 **20, 2026**, at 10:00 a.m.

22 10. The trial is scheduled to begin on **Tuesday, March 10, 2026**, at 9:00 a.m.

23 Dated this 4th day of March, 2025.

24 /s/  
25 \_\_\_\_\_  
26 Fernando M. Olguin  
27 United States District Judge  
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**NOTICE RE: MOTIONS FOR SUMMARY JUDGMENT**

Pro se parties are advised to carefully review Federal Rule of Civil Procedure 56 and Local Rule 56 which have many requirements for opposing a Motion for Summary Judgment. Moreover, such parties should be aware of and familiar with the following U.S. Supreme Court cases on summary judgment law: Celotex v. Catrett, 477 U.S. 317, 106 S.Ct. 2548 (1986); Anderson v. Liberty Lobby Inc., 477 U.S. 242, 106 S.Ct. 2505 (1986); Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 106 S.Ct. 1348 (1986).

Generally, summary judgment must be granted when there is no genuine issue of material fact – that is, if there is no real dispute about any fact that would affect the result of the case and the party who asked for summary judgment is entitled to judgment as a matter of law, judgment will be entered in favor of the party asking for summary judgment and the case will end. When a party files a Motion for Summary Judgment that is properly supported by declarations or other sworn testimony and admissible evidence, the opposing party cannot simply rely on what the Complaint says to oppose the Motion. Instead, the opposing party must set out specific facts and attach declarations, deposition transcripts, answers to interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts shown in Defendant’s supporting declarations and demonstrate that there is a genuine issue of material fact. If summary judgment is granted, Plaintiff’s case will be dismissed and there will be no trial.

Pro se parties are expressly advised that, pursuant to Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc), and Woods v. Carey, 684 F.3d 934, 939-40 (9th Cir. 2012), he or she has the right to submit counter-declarations and any other relevant evidence to oppose a Motion for Summary Judgment. Such party is further advised that if he or she fails to rebut the moving party’s version of the facts with counter-declarations or other evidence, the court may accept that party’s version of the facts as true and the claims against that party may be dismissed without a trial. All declarations must be signed under penalty of perjury by persons having personal knowledge of the facts stated in the declarations.